

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
AT NASHVILLE**

PSC METALS, INC.,)	
)	
Plaintiff,)	
)	Case No. 3:17-cv-01088
v.)	
)	District Judge Aleta A. Trauger
SOUTHERN RECYCLING, LLC,)	Jury Demand
)	
Defendant.)	

**PSC’S MOTION FOR LEAVE TO FILE
MOTION FOR PARTIAL SUMMARY JUDGMENT**

Plaintiff PSC Metals, Inc. (“PSC”) hereby moves the Court for leave to file a Motion for Partial Summary Judgment. As grounds for this motion, PSC states as follows:

1. Per the Initial Case Management Order, a party may file a Motion for Partial Summary Judgment only upon leave of Court. (Docket No. 50).
2. Defendant Southern Recycling, LLC’s (“Southern”) has filed a Motion for Summary Judgment (Docket No. 29) asking that PSC’s case be dismissed in its entirety.
3. PSC is filing, contemporaneously with this motion, opposition papers that explain fully why the facts and law do not support Southern’s Motion for Summary Judgment.
4. PSC submits that, for the precise reasons that Southern is not entitled to summary judgment, PSC is affirmatively entitled to partial summary judgment as to Southern’s liability.
5. A trial on the issue of Southern’s liability to PSC, given the evidence now before the Court, specifically the testimony of John Fellonneau, Southern’s highest executive officer, will be an unnecessary waste of time and money for all involved.

6. In the interest of efficiency and economy, both with respect to greatly reducing the scope of future discovery and shortening any trial, the Court should grant PSC leave to file a Motion for Partial Summary Judgment.

7. If the Court grants this motion, PSC will promptly file a short Statement of Undisputed Material Facts and a brief Memorandum of Law (with the facts and the law following precisely its prior response filing).

8. The sole remaining issue for discovery and potentially trial will be the damages suffered by PSC.

Wherefore, PSC respectfully requests that the Court grant this Motion for Leave to File a Motion for Partial Summary Judgment.

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CERTIFICATE OF SERVICE

I hereby certify that the foregoing document was filed using the court's Electronic Filing System and will be served by ECF upon the following counsel of record on March 12, 2018:

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